

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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GS HOLISTIC, LLC,

Plaintiff,

Case No. 23-cv-692-pp

v.

PIPE DREAMS, LLC  
and MICHAEL MENTECKI,

Defendants/Third-Party Plaintiffs,

v.

FRANK ODDOU  
and DIATOM GLASS, LLC,

Third-Party Defendants.

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**ORDER APPROVING STIPULATION (DKT. NO. 24) AND DISMISSING CASE**

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On June 2, 2023, the plaintiff filed the current case against the defendants. Dkt. No. 1. The defendants answered the complaint, dkt. no. 8, and the court held a scheduling conference, dkt. no. 15. Shortly after the scheduling conference, the defendants filed a third-party complaint against the third-party defendants, dkt. no. 16, which the third-party defendants answered, dkt. no. 19.

Subsequently, the plaintiff filed a notice of voluntary dismissal stating that the plaintiff “voluntarily dismisses the Defendants, PIPE DREAMS LLC d/b/a PIPE DREAMS and MICHAEL MENTECKI, from this case with prejudice due to both parties reaching a settlement in this case.” Dkt. No. 22 at 1. This

“notice of voluntary dismissal” only included a signature from the plaintiff’s counsel. Id.

In a text-only order, the court informed the parties that “[t]he notice does not comply with the federal rules; it was not filed before the opposing party served a responsive pleading, nor is it a stipulation signed by all parties who have appeared.” Dkt. No. 23 (citing Federal Rule of Civil Procedure 41(a)(1)(A)). The court stated it would not dismiss the defendants based on the notice and ordered the plaintiff to “file a report, updating the court as to the status of the third-party defendants and the plaintiff’s proposed next steps with regard to those defendants.” Id. The court further explained that “[i]f the plaintiff wishes to dismiss defendants Pipe Dreams and Mentecki, it may file a document that complies with Rule 41(a)(1)(A).” Id.

The parties have now filed a stipulation of dismissal signed by all the parties. Dkt. No. 24. This stipulation states the parties stipulate and agree to the following:

1. The underlying action, *GS Holistic, LLC v. Pipe Dreams and Michael Mentecki*, by [sic] dismissed, on the merits and without costs to any party.
2. The Third Party Complaint as it relates to Third Party Defendants, Frank Oddou and Diatom Glass, LLC, shall be dismissed, without prejudice, and without costs to any party.
3. The parties agree the Court may enter an Order consistent with this Stipulation.

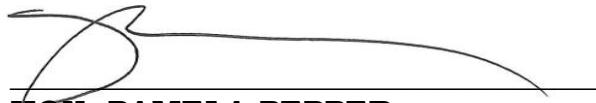
Id. (emphasis in original). Because the parties have now complied with Fed. R. Civ. P. 41(a)(1)(A)(ii), the court will approve the stipulation and will dismiss this case as requested.

The court **APPROVES** the parties' stipulation. Dkt. No. 24

The court **ORDERS** the plaintiff's claims against the defendants are **DISMISSED WITH PREJUDICE** and the defendants/third-party plaintiffs' claims against the third-party defendants are **DISMISSED WITHOUT PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 22nd day of April, 2024.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**